

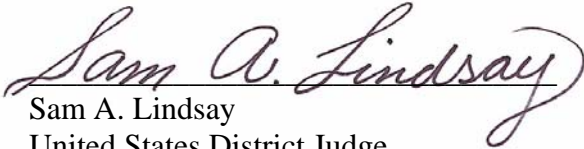
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                            |   |                            |
|----------------------------|---|----------------------------|
| UNITED STATES OF AMERICA   | § |                            |
|                            | § |                            |
| v.                         | § | Criminal No. 3:06-CR-285-L |
|                            | § |                            |
| DWAYNE KEITH MARSHALL (21) | § |                            |

**ORDER ACCEPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
CONCERNING PLEA OF GUILTY**

After reviewing all relevant matters of record, including the Notice Regarding Entry of a Plea of Guilty, the Consent of the defendant, and the Report and Recommendation Concerning Plea of Guilty of the United States Magistrate Judge ("Report"), and no objections thereto having been filed within ten days of service in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge determines that the Report of the Magistrate Judge concerning the Plea of Guilty should be accepted. Based upon the Report of the Magistrate Judge the court finds that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charge and the consequences of the plea, and that his plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact, containing each of the essential elements of the offense. Accordingly, the court **accepts** the plea of guilty entered by Defendant Dwayne Keith Marshall on November 28, 2006, and he is hereby adjudged **guilty** of the offenses charged in Count Forty-One of the Indictment, which is a violation of 21:841(a)(1) and 841(b)(1)(A)(iii), namely, distribution of 50 grams or more of a mixture and substance containing a cocaine base, a Schedule II controlled substance; and Count Thirty-Four, which is a violation of 18:924(c)(1)(A), namely, using, carrying and brandishing a firearm during or in relation to a drug trafficking crime. Sentence will be imposed in accordance with the court's scheduling order.

**It is so ordered** this 26<sup>th</sup> day of December, 2006.

  
Sam A. Lindsay  
United States District Judge